

UTAH UNIFORM BUILDING STANDARDS ACT

58-56-1. Short title.

This chapter is known as the "Utah Uniform Building Standards Act".

58-56-2. Chapter administration.

The provisions of this chapter shall be administered by the Division of Occupational and Professional Licensing.

58-56-3. Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

- (1) "Building" means a structure used or intended for supporting or sheltering any use of occupancy and any improvements attached to it.
- (2) "Code(s)" means the following codes, including the standards and specifications contained in them:
 - (a) codes adopted by the commission under Subsection 58-56-4(2); and
 - (b) codes approved by the commission under Subsection 58-56-4(4) (a).
- (3) "Commission" means the Uniform Building Code Commission created under this chapter.
- (4) "Compliance agency" means:
 - (a) an agency of the state or any of its political subdivisions which issues permits for construction regulated under the codes;
 - (b) any other agency of the state or its political subdivisions specifically empowered to enforce compliance with the codes; or
 - (c) any other state agency which chooses to enforce codes adopted under this chapter by authority given the agency under a title other than Title 58, Occupations and Professions.
- (5) "Factory built housing" means manufactured homes or mobile homes.
- (6)
 - (a) "Factory built housing set-up contractor" means an individual licensed by the division to set up or install factory built housing on a temporary or permanent basis.
 - (b) The scope of the work included under the license includes the placement or securing, or both placement and securing, of the factory built housing on a permanent or temporary foundation, securing the units together if required, and connection of the utilities to the factory built housing unit, but does not include site preparation, construction of a permanent foundation, and construction of utility services to the near proximity of the factory built housing unit.
 - (c) If a dealer is not licensed as a factory built housing set up contractor, that individual must subcontract the connection services to individuals who are licensed by the division to perform those specific functions under Title 58, Chapter 55, Utah Construction Trades Licensing Act.
- (7) "HUD code" means the National Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. Sec. 5401 et seq.
- (8) "Local regulator" means each political subdivision of the state which is empowered to engage in the regulation of construction, alteration, remodeling, building, repair, and other activities subject to the codes.
- (9)
 - (a) "Manufactured home" means a transportable factory built housing unit constructed on or after June 15, 1976, according to the HUD Code, in one or more sections, which:

- (i) in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet;; and

- (ii) is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.
- (b) Manufactured homes constructed on or after June 15, 1976, shall be identifiable by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards.
- (10) "Mobile home" means a transportable factory built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the HUD Code.
- (11) "Modular unit" means a structure built from sections which are manufactured in accordance with the construction standards adopted pursuant to Section 58-56-4 and transported to a building site, the purpose of which is for human habitation, occupancy or use.
- (12) "Opinion" means a written, nonbinding, and advisory statement issued by the commission concerning an interpretation of the meaning of the codes or the application of the codes in a specific circumstance issued in response to a specific request by a party to the issue.
- (13) "State regulator" means an agency of the state which is empowered to engage in the regulation of construction, alteration, remodeling, building, repair, and other activities subject to the codes adopted pursuant to this chapter.

58-56-4. Definitions - Adoption of building codes - Amendments - Approval of other codes - Exemptions.

- (1) As used in this section:
 - (a) "agricultural use" means a use that relates to the tilling of soil and raising of crops, or keeping or raising domestic animals;
 - (b) "not for human occupancy" means use of a structure for purposes other than protection or comfort of human beings, but allows people to enter the structure for:
 - (i) maintenance and repair; and
 - (ii) the care of livestock, crops, or equipment intended for agricultural use which are kept there; and
 - (c) "residential area" means land that is not used for an agricultural use and is:
 - (i) (A) within the boundaries of a city or town; and
 - (B) less than five contiguous acres;
 - (ii) (A) within a subdivision for which the county has approved a subdivision plat under Title 17, Chapter 27a, Part 6, Subdivisions; and
 - (B) less than two contiguous acres; or
 - (iii) not located in whole or in part in an agricultural protection area created under Title 17, Chapter 41, Agriculture Protection Area.
- (2) (a) Subject to the provisions of Subsections (4) and (5), the following codes, each of which must be promulgated by a nationally recognized code authority, shall be adopted, in the manner described in Subsection (2)(b), as the construction codes which the state and each political subdivision of the state shall follow in the circumstances described in Subsection (3):
 - (i) a building code;
 - (ii) the National Electrical Code promulgated by the National Fire Protection Association;
 - (iii) a residential one and two family dwelling code;
 - (iv) a plumbing code;
 - (v) a mechanical code;

- (vi) a fuel gas code;
 - (vii) an energy conservation code; and
 - (viii) a manufactured housing installation standard code.
 - (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division, in collaboration with the commission, shall adopt by rule specific editions of the codes described in Subsection (2)(a), and may adopt by rule successor editions of any adopted code.
 - (c) The division, in collaboration with the commission, may, in accordance with Section 58-56-7, adopt amendments to the codes adopted under Subsection (2)(a), to be applicable to the entire state or within one or more political subdivisions.
- (3) Subject to the provisions of Subsections (4) and (5), the codes and amendments adopted under Subsection (2) shall be followed when:
- (a) new construction is involved;
 - (b) the owner of an existing building, or the owner's agent, is voluntarily engaged in:
 - (i) the repair, renovation, remodeling, alteration, enlargement, rehabilitation, conservation, or reconstruction of the building; or
 - (ii) changing the character or use of the building in a manner which increases the occupancy loads, other demands, or safety risks of the building.
- (4) (a) The division, in collaboration with the commission, has discretion to approve, without adopting, certain codes in addition to those described in Subsection (2)(a), including specific editions of the codes, for use by a compliance agency.
- (b) If the applicable code is one which the division has approved under Subsection (4)(a), a compliance agency has the discretion to:
- (i) adopt an ordinance requiring removal, demolition, or repair of a building, according to a code;
 - (ii) adopt, by ordinance or rule, a dangerous building code; or
 - (iii) adopt, by ordinance or rule, a building rehabilitation code.
- (5) (a) Except in a residential area, a structure used solely in conjunction with agriculture use, and not for human occupancy, is exempted from the permit requirements of any code adopted by the division.
- (b) Notwithstanding Subsection (5)(a), unless otherwise exempted, plumbing, electrical, and mechanical permits may be required when that work is included in the structure.

58-56-5. Building Code Commission - Composition of commission - Commission duties and responsibilities.

- (1) There is established a Uniform Building Code Commission to advise the division with respect to the division's responsibilities in administering the codes under this chapter.
- (2) The commission shall be appointed by the executive director who shall submit his nominations to the governor for confirmation or rejection. If a nominee is rejected, alternative names shall be submitted until confirmation is received. Following confirmation by the governor, the appointment shall be made.
- (3) The Commission shall consist of eleven members who shall be appointed in accordance with the following:
 - (a) one member shall be from among candidates nominated by the Utah League of Cities and Towns and the Utah Association of Counties;
 - (b) one member shall be a licensed building inspector employed by a political subdivision of the state;
 - (c) one member shall be a licensed professional engineer;
 - (d) one member shall be a licensed architect;

- (e) one member shall be a fire official;
 - (f) three members shall be contractors licensed by the state, of which one shall be a general contractor, one an electrical contractor, and one a plumbing contractor;
 - (g) two members shall be from the general public and have no affiliation with the construction industry or real estate development industry; and
 - (h) one member shall be from the Division of Facilities Construction Management, Department of Administrative Services.
- (4) (a) Except as required by Subsection (4) (b), as terms of current commission members expire, the executive director shall appoint each new member or reappointed member to a four-year term.
- (b) Notwithstanding the requirements of Subsection (4) (a), the executive director shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of commission members are staggered so that approximately half of the commission is appointed every two years.
- (5) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
- (6) No commission member may serve more than two full terms, and no commission member who ceases to serve may again serve on the commission until after the expiration of two years from the date of cessation of service.
- (7) A majority of the commission members shall constitute a quorum and may act in behalf of the commission.
- (8) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- (ii) Members may decline to receive per diem and expenses for their service.
- (b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the board at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- (ii) State government officer and employee members may decline to receive per diem and expenses for their service.
- (c) (i) Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- (ii) Local government members may decline to receive per diem and expenses for their service.
- (9) The commission shall annually designate one of its members to serve as chair of the commission. The division shall provide a secretary to facilitate the function of the commission and to record its actions and recommendations.
- (10) The duties and responsibilities of the commission are to:
- (a) recommend to the director the:
 - (i) adoption by rule of codes and amendments under Subsections 58-56-(2) (b) and (c); and
 - (ii) approval by rule of the codes referenced in Subsection 58-56-4 (4) (a);
 - (b) offer an opinion regarding the interpretation of or the application of any of the codes adopted or approved under Section 58-56-4 upon a

formal submission by a party to the matter in question which submission must clearly state the facts in question, the specific code citation involved and the position taken by all parties;

- (c) act as an appeals board as provided in 58-56-8(3);
- (d) establish advisory peer committees on either a standing or ad hoc basis to advise the commission with respect to matters related to the codes described in Section 58-56-4, including a committee to advise the commission regarding health matters related to the plumbing code; and
- (e) assist the division in overseeing code related training in accordance with Section 58-56-9 of this chapter.

58-56-6. Building codes - Division duties and responsibilities.

- (1) The division shall administer codes adopted or approved under Section 58-56-4 pursuant to this chapter, but shall have no responsibility or duty to conduct inspections to determine compliance with the codes, issue permits or assess building permit fees.
- (2) Administration of the codes adopted or approved under Section 58-56-4 by the division shall include:
 - (a) receiving recommendations from the commission and thereafter adopting by rule the editions of the codes and amendments to the codes under Subsections 58-56-4(2)(b) and (c);
 - (b) receiving recommendations from the commission and thereafter approving by rule the code editions referenced in Subsection 58-56-4(4)(a);
 - (c) maintaining and publishing for reference on a current basis the adopted amendments to the codes under Subsection 58-56-4(2)(c); and
 - (d) receiving requests for amendments and opinions from the commission, scheduling appropriate hearings and publishing the amendments to the codes and the opinions of the commission with respect to interpretation and application of the codes.

58-56-7. Code amendments - Commission recommendations - Division duties and responsibilities.

- (1) The division, with the commission, shall establish by rule the procedure and manner under which requests for amendments to codes under Subsection 58-56-4(2)(c) shall be:
 - (a) filed with the division; and
 - (b) recommended or declined for adoption.
- (2) The division shall accept from any local regulators, state regulators, state agencies involved with the construction and design of buildings, the contractors, plumbers, or electricians licensing boards, or from recognized construction-related associations a request for amendment to codes under Subsection 58-56-4(2)(c).
- (3) The division may make recommendations to the commission for amendments to codes under Subsection 58-56-4(2)(c). The commission may also consider amendments on its own initiative.
- (4) On May 15 and November 15 of each calendar year, or the first government working day thereafter if either date falls on a weekend or government holiday, the division shall convene a public hearing, as a part of the rulemaking process, before the commission concerning requests for amendment of the codes, recommended by the division and commission to be adopted by rule. The hearing shall be conducted in accordance with the rules of the commission.
- (5) Within 15 days following completion of the hearing under Subsection (4), the commission shall provide to the division a written recommendation concerning each amendment.
- (6) The division shall consider the recommendations and promulgate amendments by

- (7) The decision of the division to accept or reject the recommendation of the commission shall be made within 15 days after receipt of the recommendation.
- (8) All decisions of the division pertaining to adoption of a code edition or amendments to any code, which are contrary to recommendations of the commission, may be overridden by a two-thirds vote of the commission according to a procedure to be established by rule.
- (9) (a) Amendments with statewide application:
 - (i) shall be effective on the January 1 or July 1 following the public hearing or as soon after that date as the requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act, are met; or
 - (ii) may be effective prior to the dates in Subsection (9) (a) (i) if designated by the division and the commission as necessary for the public health, safety, and welfare.
- (b) Amendments with local application only shall be effective on a date to be determined by the division and the commission.
- (c) In making rules required by this chapter, the division shall comply with the provisions of Title 63G, Chapter 3, Utah Administrative Rulemaking Act. The provisions of that chapter shall have control over this section in case of any conflict.

58-56-8. Compliance with codes - Responsibility for inspections - Appeals.

- (1) The responsibility for inspection of construction projects and enforcement of compliance with provisions of the codes shall be with the compliance agency having jurisdiction over the project and the applicable codes.
- (2) A finding by a compliance agency that a licensed contractor, electrician, or plumber has materially violated the provisions of a code in a manner to jeopardize the public health, safety, and welfare and failed to comply with corrective orders of the compliance agency shall be furnished in writing to the division by the compliance agency. It shall be the responsibility of the compliance agency to conduct a primary investigation to determine that, in fact, there has been a material violation of the provisions of the code jeopardizing the public interest and provide the report of investigation to the division.
- (3) Each compliance agency shall establish a method of appeal by which a person disputing the application and interpretation of a code may appeal and receive a timely review of the disputed issues in accordance with the codes adopted or approved under Section 58-56-4. If a compliance agency refuses to establish a method of appeal, the commission shall act as the appeals board and conduct a hearing within 45 days. The findings of the commission shall be binding. An appeals board established under this section shall have no authority to interpret the administrative provisions of the codes nor shall the appeals board be empowered to waive requirements of the codes.

58-56-8.5 Building Inspector Licensing Board.

- (1) There is created a Building Inspector Licensing Board consisting of four building inspectors and one member of the general public.
- (2) The board shall be appointed and serve in accordance with Section 58-1-201.
- (3) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 through 58-1-203. In addition, the board shall designate one of its members on a permanent or rotating basis to:
 - (a) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and

- (b) advise the division in its investigation of these complaints.
- (4) A board member who has, under Subsection (3), reviewed a complaint or advised in its investigation is disqualified from participating with the board when the board serves as a presiding officer of an administrative proceeding concerning the complaint.

58-56-9. Qualifications of inspectors - Contract for inspection services.

- (1) All inspectors employed by a local regulator, state regulator, or compliance agency to enforce provisions of the codes adopted or approved pursuant to this chapter shall:
 - (a) meet minimum qualifications as established by the division in collaboration with the commission or be certified by a nationally recognized organization which promulgates codes adopted under this chapter, or pass an examination developed by the division in collaboration with the commission;
 - (b) be currently licensed by the division as meeting those minimum qualifications; and
 - (c) be subject to revocation or suspension of their license or may be placed on probation if found guilty of unlawful or unprofessional conduct.
- (2) A local regulator, state regulator, or compliance agency may contract for the services of a licensed inspector not regularly employed by the regulator or agency.
- (3)
 - (a) The division shall use the monies received in Subsection (4) to provide education regarding the codes and code amendments adopted or approved under Section 58-56-4 to:
 - (i) building inspectors; and
 - (ii) individuals engaged in construction-related trades or professions.
 - (b) All funding available for the building inspector's education program shall be nonlapsing.
- (4) Each compliance agency shall charge a 1% surcharge on all building permits issued and shall transmit 80% of the amount collected to the division to be utilized by the division to fulfill the requirements of Subsection (3). The surcharge shall be deposited as a dedicated credit.

58-56-9.1. Unlawful conduct.

Unlawful conduct is as defined in Subsection 58-1-501(1) and includes:

- (1) engaging the sale of factory built housing without being registered with the division as a dealer, unless the sale is exempt under Section 58-56-16;
- (2) selling factory built housing within the state as a dealer without collecting and remitting to the division the fee required by Section 58-56-17;
- (3) acting as a building inspector or representing oneself to be acting as a building inspector, unless licensed or exempted from licensure under this chapter or using the title building inspector or any other description, words, letters, or abbreviation indicating that the person is a building inspector if the person has not been licensed under this chapter;
- (4) acting as a building inspector beyond the scope of the license held under this chapter; and
- (5) hiring or employing in any manner an unlicensed person as a building inspector, unless exempted from licensure under this chapter.

58-56-9.3. Unprofessional conduct.

Unprofessional conduct is as defined in Subsection 58-1-501(2) and includes:

- (1) knowingly failing to inspect or issue correction notices for code violations which when left uncorrected would constitute a hazard to the public health and safety and knowingly failing to require that correction notices are complied with as a building inspector;
- (2) the use of alcohol or the illegal use of drugs while performing duties as a building inspector or at any time to the extent that the inspector is physically or mentally impaired and unable to effectively perform the duties of an inspector;
- (3) gross negligence in the performance of official duties as a building inspector;
- (4) the personal use of information or knowingly revealing information to unauthorized persons when that information has been obtained by a building inspector as a result of the inspector's employment, work, or position as an inspector;
- (5) unlawful acts or practices which are clearly unethical under generally recognized standards of conduct of a building inspector;
- (6) engaging in fraud or knowingly misrepresenting a fact relating to the performance of duties and responsibilities as a building inspector;
- (7) a building inspector knowingly failing to require that all plans, specifications, drawings, documents, and reports be stamped by architects, professional engineers, or both as established by law;
- (8) a building inspector knowingly failing to report to the division an act or omission of a licensee under Title 58, Chapter 55, Utah Construction Trades Licensing Act, which when left uncorrected constitutes a hazard to the public health and safety;
- (9) a building inspector knowingly failing to report to the division unlicensed practice persons who are required to be licensed under Title 58, Chapter 55, Utah Construction Trades Licensing Act;
- (10) a building inspector's approval of work which materially varies from approved documents that have been stamped by an architect, professional engineer, or both unless authorized by the licensed architect, professional engineer or both;
- (11) a building inspector failing to produce verification of current licensure and current certifications for the codes adopted under rules of the division upon request of the division, a compliance agency, or a contractor or property owner whose work is being inspected;
- (12) nondelivery of goods or services by a registered dealer which constitutes a breach of contract by the dealer;
- (13) the failure of a registered dealer to pay a subcontractor or supplier any amounts to which that subcontractor or supplier is legally entitled; and
- (14) any other activity which is defined as unprofessional conduct by division rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

58-56-9.5. Penalty for unlawful conduct - Citations.

- (1) A person who violates a provision of Section 58-56-9.1 or who fails to comply with a citation issued under this section after it is final is guilty of a class A misdemeanor.
- (2) Grounds for immediate suspension of a licensee's license by the division under this chapter include:
 - (a) the issuance of a citation for violation of a provision of Section 58-56-9.1; and

- (b) failure by a licensee to make application to, report to, or notify the division with respect to a matter for which application, notification, or reporting is required under this chapter or rules made under this chapter by the division.
- (3) (a) If upon inspection or investigation, the division concludes that a person has violated a provision of Section 58-56-9.1, or a rule or order issued with respect to that section, and that disciplinary action is appropriate, the director or the director's designee from within the division shall:
 - (i) promptly issue a citation to the person according to this chapter and any pertinent rules;
 - (ii) attempt to negotiate a stipulated settlement; or
 - (iii) notify the person to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.
- (b) (i) A person who violates a provision of Section 58-56-9.1 , as evidenced by an uncontested citation, a stipulated settlement, or by a finding of violation in an adjudicative proceeding, may be assessed a fine under this Subsection (3) (b) and may, in addition to or instead of the fine, be ordered by the division to cease from violating the provision.
- (ii) Except as otherwise provided in Subsection (2) (a), the division may not assess licensure sanctions referred to in Subsection 58-56-9(1) (c) through a citation.
- (c) (i) Each citation shall be in writing and describe with particularity the nature of the violation, including a reference to the provision of the chapter, rule, or order alleged to have been violated.
- (ii) The citation shall clearly state that the recipient must notify the division in writing within 20 calendar days of service of the citation if the recipient wishes to contest the citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act.
- (iii) The citation shall clearly explain the consequences of failure to timely contest the citation or to make payment of any fines assessed by the citation within the time specified in the citation.
- (d) Each citation issued under this section, or a copy of each citation, may be served upon any person upon whom a summons may be served:
 - (i) in accordance with the Utah Rules of Civil Procedure;
 - (ii) personally or upon the person's agent by a division investigator or by any person specially designed by the director; or
 - (iii) by mail.
- (e) (i) If within 20 calendar days from the service of a citation, the person to whom the citation was issued fails to request a hearing to contest the citation, the citation becomes the final order of the division and is not subject to further agency review.
- (ii) The period to contest a citation may be extended by the division for cause.
- (f) The division may refuse to issue or renew, suspend, revoke, or placed on probation the license of any licensee who fails to comply with a citation after it becomes final.
- (g) The failure of an applicant for licensure to comply with a citation after it becomes final is a ground for denial of a license.
- (h) No citation may be issued under this section after the expiration of

- six months following the occurrence of the violation.
- (i) The director or the director's designee may assess fines for violations of Section 58-56-9.1 as follows:
 - (i) for a first offense determined under this Subsection (3), a fine of up to \$1,000;
 - (ii) for a second offense, a fine of up to \$2,000; and
 - (iii) for any subsequent offense, a fine of up to \$2,000 for each day of continued offense.
 - (j) For the purposes of issuing a final order under this section and assessing a fine under Subsection (3)(i), an offense constitutes a second or subsequent offense if:
 - (i) the division previously issued a final order determining that a person committed a first or second offense in violation of a provision of Section 58-56-9.1; or
 - (ii)
 - (A) the division initiated an action for a first or second offense;
 - (B) no final order has been issued by the division in the action initiated under Subsection (3)(j)(ii)(A);
 - (C) the division determines during an investigation that occurred after the initiation of the action under Subsection (3)(j)(ii)(A) that the person committed a second or subsequent violation of a provision of Section 58-56-9.1; and
 - (D) after determining that the person committed a second or subsequent offense under Subsection (3)(j)(ii)(C), the division issues a final order on the action initiated under Subsection (3)(j)(ii)(A).
 - (k) In issuing a final order for a second or subsequent offense under Subsection (3)(j), the division shall comply with the requirements of this section.
- (4)
- (a) Proceeds from a fine imposed under Subsection (3)(i) shall be deposited in the Commerce Service Fund.
 - (b) The director may collect an unpaid fine by:
 - (i) referring the matter to a collection agency; or
 - (ii) bringing an action in the district court of the county in which the person resides or in the county where the director's office is located.
 - (c)
 - (i) The state's attorney general or a county attorney shall provide legal assistance and advice to the director in an action brought under Subsection (4)(b).
 - (ii) Reasonable attorney's fees and costs shall be awarded in an action brought to enforce the provisions of this section.

58-56-10. Repealed.

58-56-11. Standards for specialized buildings.

- (1) This chapter shall not be implied to repeal or otherwise affect authorities granted to a state agency to make or administer standards for specialized buildings, as provided in Title 26, Chapter 21, Title 62A, Chapter 2, and Title 64, Chapter 13, or authorities granted to a state agency by statute to make or administer other special standards. In the event of a conflict between such special standards and codes adopted pursuant to this chapter, the special standards shall prevail.
- (2) The provisions of this chapter do not apply to the administration of the

statutes described in Subsection (1).

58-56-12. Factory built housing units.

- (1)
 - (a) Manufactured homes constructed, sold, or set-up in the state shall be constructed in accordance with the HUD code.
 - (b) Manufactured homes set-up in the state shall be installed in accordance with the manufactured housing installation standard code referred to in Section 58-56-4.
 - (c) the authority and responsibility for the issuance of building permits for the modification or set-up of manufactured homes within a political subdivision of the state shall be with the local regulator within that political subdivision.
 - (d) The inspection of modifications to or the set-up of manufactured homes shall be conducted and approvals given by the local regulator within the political subdivision in which the set-up takes place.
- (2)
 - (a) Mobile homes sold or set-up in the state shall be constructed in accordance with the mobile home construction code in existence in the state in which the mobile home was constructed at the time the mobile home was constructed.
 - (b) mobile homes set-up in the state shall be installed in accordance with the manufactured housing installation standard code referred to in Section 58-56-4.
 - (c) the authority and responsibility for the issuance of building permits for the modification of or set-up of mobile homes within a political subdivision of the state shall be with the local regulator within that political subdivision.
 - (d) The inspection of, modification to, or the set-up of mobile homes shall be conducted and approvals given by the local regulator within the political subdivision in which the set-up takes place.

58-56-13. Modular units.

Modular unit construction, set-up, issuance of permits for construction or set-up, and set-up shall be in accordance with the following:

- (1) construction and set up shall be in accordance with the building standards adopted pursuant to Section 58-56-4, or equivalent standards adopted by rule;
- (2) the responsibility and authority for plan review and issuance of permits for construction, modification, or set-up shall be that of the local regulator of the political subdivision in which the modular unit is to be set-up;
- (3) the inspection of the construction, modification of, or set-up of a modular unit to determine conformance with the provisions of this chapter and the issuance of approvals shall be the responsibility of the local regulator in the political subdivision in which the modular unit is to be set-up or is set-up; and
- (4) nothing in this section shall preclude a local regulator from contracting with a qualified third party for the inspection or plan review provided in this section, or the state from entering into an interstate compact for third party inspection of the construction of modular units.

58-56-14. Modification of factory built housing units and modular units.

- (1) Any modification to factory built housing units shall be made in accordance with the following:
 - (a) Prior to set-up, modification to a manufactured home or mobile home

prior to installation or set-up of the unit for habitation shall be made in accordance with the HUD code.

- (b) After set-up:
 - (i) modification to a manufactured home or mobile home after installation or set-up of the unit for habitation, which modification does not include the addition of any space to the existing unit or the attachment of any structure to the existing unit shall be made in accordance with the HUD code; and
 - (ii) modification to a manufactured home or mobile home after installation or set-up of the unit for habitation, which modification includes the addition of any space to the existing unit or the attachment of any structure to the unit shall be made as follows:
 - (A) modifications to the existing unit shall be in accordance with the HUD code; and
 - (B) additional structure outside of the existing unit shall be in accordance with the Utah Uniform Building Standards Act.
- (2) Any modification to modular housing units shall be made in accordance with the Utah Uniform Building Standards Act.

58-56-15. Factory built housing and modular units - Division responsibility.

- (1) The division:
 - (a) shall maintain information on the HUD code and the manufactured housing installation standard code referred to in Section 58-56-4 and will provide at reasonable cost the information to compliance agencies, local regulators, or state regulators requesting such information;
 - (b) shall provide qualified personnel to advise compliance agencies, local regulators, and state regulators regarding the standards for construction and set-up, construction and set-up inspection, and additions or modifications to factory built housing;
 - (c) is designated as the state administrative agency for purposes under the provisions of the HUD code;
 - (d) may inspect the work of modular unit manufacturers in the state during the construction process to determine compliance of the manufacturer with the Utah Uniform Building Standard Act for those units to be installed within the state and upon a finding of substantive deficiency issue a corrective order to the manufacturer with a copy to the local regulator in the state's political subdivision in which the unit is to be installed;
 - (e) shall have rights of entry and inspection as specified under the HUD Code; and
 - (f) shall implement by rule as required by the HUD Code:
 - (i) a dispute resolution program; and
 - (ii) a continuing education requirement for manufactured housing installation contractors.
- (2) The division may assess civil penalties payable to the state for violation of the HUD Code in an amount identical to those set forth in Section 611 of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Sec. 5410.
- (3) The state may impose criminal sanctions for violations of the HUD Code identical to those set forth in Section 611 of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Sec. 5410, provided that if the criminal sanction is a fine, the fine shall be payable to the state.

58-56-16. Registration of dealers - Bonding requirements - Renewal - Exemptions - Discipline.

- (1) Each person engaged in the sale of factory built housing in the state, except as provided in Subsection (4) shall register with the division as a dealer.
- (2) Each applicant for registration under this section shall
 - (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-303; and
 - (c) provide the division with a registration bond in accordance with rules established by the division.
- (3)
 - (a) The division shall issue each registration under this section in accordance with a two-year renewal cycle established by rule.
 - (b) The division may by rule extend or shorten a renewal cycle by as much as one year to stagger the renewal cycles it administers.
 - (c) Each registration under this section automatically expires on the expiration date on the certificate of registration unless the registrant renews it in accordance with Section 58-1-308.
- (4) Subsection (1) does not apply to:
 - (a) a person not regularly engaged in the sale of factory built housing who is selling a unit the person owns for the person's own account;
 - (b) a principal broker licensed under Title 61, Chapter 2, Division of Real Estate; or
 - (c) a sales agent or associate broker licensed under Title 61, Chapter 2, Division of Real Estate, sells factory built housing as an agent for, and under the supervision of, the licensed principal broker with whom the sales agent or associate broker is affiliated.
- (5) Grounds for refusing to issue a registration, for refusing to renew a registration, for revoking, suspending, restricting, or placing on probation a registration, for issuing a public or private reprimand to a registrant, and for issuing a cease and desist order shall be in accordance with Section 58-1-401.

58-56-17. Fees on sale - Escrow agents - Sales tax.

- (1) Each dealer shall collect and remit a fee of \$75 to the division for each factory built home the dealer sells that has not, as of the date of the sale, been permanently affixed to real property and converted to real property as provided in Section 70D-1-20. The fee shall be payable within 30 days following the close of each calendar quarter for all units sold during that calendar quarter. The fee shall be deposited in a restricted account as provided in Section 58-56-17.5.
- (2) Any principal real estate broker, associate broker, or sales agent exempt from registration as a dealer under Section 58-56-16 who sells a factory built home that has not been permanently affixed to real property shall close the sale only through a qualified escrow agent in this state registered with the Insurance Department or the Department of Financial Institutions.
- (3) Each escrow agent through which a sale is closed under Subsection (2) shall remit all required sales tax to the state.

58-56-17.5. Factory Building Housing Fees Restricted Account.

- (1) There is created within the General Fund a restricted account known as "Factory Built Housing Fees Account."
- (2)
 - (a) The restricted account shall be funded from the fees the dealer

collects and remits to the division for each factory built home the dealer sells as provided in Subsection 58-56-17(1).

- (b) The division shall deposit all monies collected under Subsection 58-56-17(1) in the restricted account.
- (c) The restricted account shall be used to pay for education and enforcement of the Uniform Building Standards Act, including investigations and administrative actions and the funding of additional employees to the amount of the legislative appropriation.
- (d) The restricted account may accrue interest which shall be deposited into the restricted account.

58-56-18. Repealed.

58-56-19. Standardized building permit numbering.

- (1) As used in this section, "project means a "construction project" as defined in Section 38-1-27.
- (2) Upon recommendation by the commission, the division shall develop a standardized building permit numbering system for use by any compliance agency in the state that issues a permit for construction.
- (3)
 - (a) Beginning on January 1, 2007, any compliance agency issuing a permit for construction shall use the standardized building permit numbering system developed under Subsection (2).
 - (b) Notwithstanding Subsection (3)(a), a compliance agency may use a different numbering system if that numbering system is used in addition to the system developed under Subsection (2).
- (4) The standardized building permit numbering system developed under Subsection (2) shall include:
 - (a) three alphabetical characters identifying the compliance agency issuing the permit;
 - (b) two numeric digits indicating the day of the month on which the permit is issued;
 - (c) two numeric digits indicating the month in which the permit is issued;
 - (d) two numeric digits indicating the last two digits of the year in which the permit is issued; and
 - (e) three numeric digits indicating the serialized number of the permit issued on a given day.

58-56-20. Standardized building permit content.

- (1) After receiving a recommendation from the commission, the division shall adopt a standardized building permit form by rule.
- (2)
 - (a) The standardized building permit form created under Subsection (1) shall include fields for indicating the following information:
 - (i) the name and address of the owner of or contractor for the project;
 - (ii)
 - (A) the address of the project; or
 - (B) a general description of the project; and
 - (iii) whether the permit applicant is an original contractor or owner-builder.

- (b) The standardized building permit form created under Subsection (1) may include any other information the division considers useful.

- (3) (a) A compliance agency shall issue a permit for construction only on a standardized building permit form approved by the division.
- (b) A permit for construction issued by a compliance agency under Subsection (3)(a) shall print the standardized building permit number assigned under Section 58-56-19 in the upper right-hand corner of the building permit form in at least 12-point type.
- (c) (i) Except as provided in Subsection (3)(c)(ii), a compliance agency may not issue a permit for construction if the information required by Subsection (2)(a) is not completed on the building permit form.
(ii) If a compliance agency does not issue a separate permit for different aspects of the same project, the compliance agency may issue a permit for construction without the information required by Subsection (2)(a)(iii).
- (d) A compliance agency may require additional information for the issuance of a permit for construction.

UTAH UNIFORM BUILDING STANDARDS ACT

**Title 58, Chapter 56
Utah Code Annotated 1953
As Amended by
Session Laws of Utah 2008
Issued July 1, 2008**